

REMARKS

The present patent application has been reviewed in light of the office action, dated January 26, 2005, in which claims 1-2, 4-5, and 7-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kiyohara et al., U.S. Patent No. 6,304,683 (hereinafter "Kiyohara") in view of Fan et al., U.S. Patent No. 6,757,081 (hereinafter "Fan"). Claims 3, 6, and 9 are noted as being allowable if rewritten in independent form including the limitations of the base claims. Reconsideration of the above-referenced patent application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-17 are pending. Claims 1, 3-4, 6, and 9 have been amended. Claims 10-17 have been added.

Claims 3, 6, and 9 have been rewritten in independent form including the limitations of the original base claim.

Rejections under 35 U.S.C. § 103(a)

Claims 1-2, 4-5, and 7-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kiyohara in view of Fan. Neither Kiyohara nor Fan disclose classifying images into groups according to a categorization method "including comparing at least a portion of an image with at least a portion of another image," as claimed in amended claim 1. Therefore, even if there were a teaching, suggestion, or motivation to combine Kiyohara and Fan, and Assignee respectfully contends that there is no such teaching, suggestion, or motivation, the resulting combination would not include all of the limitations of claim 1, as amended. Therefore, claim 1, as amended, and the rejected claims that depend from it are believed to patentably distinguish from the cited documents. It is, therefore, respectfully requested that the Examiner withdraw the rejections as to these claims.

New claims 10-17 are believed to also patentably distinguish at least on the same or a similar basis as claim 1, as amended, and the rejected claims that depend from it.

It is noted that claimed subject matter may be patentably distinguished from the cited documents for additional reasons; however, the foregoing is believed to be sufficient.

Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

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CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the present patent application, as amended, are in condition for allowance. If the Examiner has any questions, he or she is invited to contact the undersigned at (503) 640-6475. Reconsideration of the present patent application and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to deposit account no. 50-3130.

Respectfully submitted,

Dated: 7-26-05

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I hereby certify that this correspondence is being sent via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at (571) 273-8300 on:

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